

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of Joseph P. Kennedy, Jr., *et al.*

Serial No.: 10/531,041

Art Unit: 2617

Filed: October 19, 2005

Examiner: Sam Bhattacharya

Title: **NETWORK OVERLAY LOCATION SYSTEM AND METHOD FOR AIR
INTERFACE WITH FREQUENCY HOPPING**

AMENDMENT

U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed January 23, 2009, the Applicant submits the following remarks.

REMARKS

Claims 1-22, 24-30 remain pending in this application

The Office has failed to provide a proper response to the Applicant's response of October 8, 2008.

The Office has failed to refute any arguments presented by the Applicant and merely states the arguments are moot in view of the new grounds of rejection. However, other than adding an additional reference to the rejection, the basis and arguments of the rejection are entirely unchanged. The Office relies upon the same art to provide the same teachings that the applicant had shown as improper in the previous response.

Furthermore, the additional prior art reference (Adams) added to the rejection is in such an unrelated field (Coin recycling), it belies logic as to how its teachings can be applied against the instant application (wireless geolocation). In addition, the teaching purported by the Office to be shown in Adams does not exist; a mechanical slot or